

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of	: Moss, N. et al) Art Unit:	1617
U.S. Appln. No.	: To be assigned) Examiner:	Criares, T.J.
Confirmation No.	: To be assigned		
U.S. Filing Date	: January 21, 2004		
Title of Invention	: Methods of Treating Cancer		
Attny. Docket No.	: 9/216-1-D1		

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

January 21, 2004

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents listed herein and on the attached PTO-1449 form and which the Examiner may deem relevant to patentability of the claims of the above-identified application. Copies of the citations listed on the PTO-1449 form are filed in US Application No. 10/187,942 filed July 1, 2002, N. Moss, et al, Attorney Docket No. 9/216.

☒ 1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 33 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

☐ 1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:

☐ A statement as specified in 37 C.F.R. §1.97(e) [see below]; or

☐ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.97(d). This Statement is being filed after the period specified in 37 C.F.R. §1.97(c) but on or before payment of the issue fee. This Statement is accompanied by a statement as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R. §1.17(p).

☐ 1.97(e).

☐ Each item of information contained in the instant information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the instant information disclosure statement; or

☐ No item of information contained in the instant information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the instant information disclosure statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three (3) months prior to the filing of the instant information disclosure statement.

☐ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.704(d). Each item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, which communication was not received by any individual designated in section 1.56(c) more than thirty (30) days prior to the filing of the accompanying information disclosure statement.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

Triplicate copies of this form are enclosed.


Express Mail Label No. EV 368945660US
Deposit Date: January 21, 2004

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO:

Mail Stop Patent Application
COMMISSIONER FOR PATENTS,
P.O. Box 1450
Alexandria, VA 22313-1450

BY 
Anthony P. Bottino, Reg. No. 41,629

Respectfully submitted,



Anthony P. Bottino
Attorney for Applicant(s)
Reg. No. 41,629

Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT. 06877
Tel.: (203) 791-6764

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO			Compleat if Kn wn		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Application Number	To be assigned	
			Filing Date	01/21/2004	
			First Named Inventor	MOSS, N. et al	
			Art Unit	1617	
			Examiner Name	Criares, T.J.	
Sheet	1	of	1	Attorney Docket Number	9/216-1-D1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		us- 6,319,921 B1	11/20/2001	CIRILLO, P. et al	
		us- 6,358,945 B1	03/19/2002	BREITFELDER, S. et al	
		us- 6,297,381 B1	10/02/2001	CIRILLO, P. et al	
		us- 2002/0061901	05/23/2002	ROBL, J.A., et al	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴ - Kind Code ⁵ (if known)				
		WO 99/32110	A1	07/01/1999	Bayer Corp.		
		WO 99/32111	A1	07/01/1999	Bayer Corp.		
		WO 99/32463	A1	07/01/1999	Bayer Corp.		
		WO 01/36403	A1	11/16/2000	Boehringer Ingelheim Pharmaceut. Inc.		
		WO 02/34259	A1	05/02/2002	Fournier Laboratories		
		WO 97/28149	A1	08/07/1997	Merck & Co. Inc		
		WO 01/96311	A2	12/20/2001	Bristol-Myers Squibb		

Examiner Signature	Date Considered
-----------------------	--------------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO		Compleat if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	To be assigned
		Filing Date	01/21/2004
		First Named Inventor	Neil MOSS
		Group Art Unit	1617
		Examiner Name	Criares, T.J.
		Attorney Docket Number	9/216-1-D1
Sheet	2	of	2

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		STEINER, G.; "Effect of fenofibrate on progression of coronary-artery disease in type 2 diabetes: the Diabetes Atherosclerosis Intervention Study, a randomised study"; Lancet, Vol. 357, No. 9260, 2001, pgs 905-910	
		SERFATY-LACROSNIERE, C. ET AL; "Homozygous Tangier disease and cardiovascular disease"; Atherosclerosis, Vol. 107, No. 1, 1994, pgs 85-98; XP002225804	
		SUSEKOV, A. V. ET AL; "Lipitor treatment of atherogenic hyperlipoproteinemia"; Terapevticheskii Arkhiv; Vol. 70, No. 9, 1998, pgs 57-61; XP-002225800	
		PAPADEMETRIOU, VASILIOS ET AL; "Influence of risk factors on peripheral and cerebrovascular disease in men with coronary artery disease, low high-density lipoprotein cholesterol levels, and desirable low-density lipoprotein cholesterol levels"; American Heart Journal; Vol. 136, No. 4 Part 1.	
		KIRCHGAESSLER, K. U. ET AL; "Effectiveness and tolerability of 12-week treatment with micronised fenofibrate 200 mg in a drug-monitoring programme involving 9884 patients with dyslipidaemia"; Clinical Drug Investigation, Vol. 15, No. 3, 1998, pgs 197-204; XP002225802	
		CIMMINIELLO, C. ET AL; "Fibrinolytic response in subjects with hypertriglyceridemia and low HDL cholesterol"; Biomedicine & Pharmacotherapy, Vol. 51, No. 4, 1997, pgs 164-169; XP002225803	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.